

Merchantville, NJ August 11, 2014

A regular meeting of Borough Council was held at 7:30 PM, Monday, August 11, 2014. Mayor Frank North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Fields, Volkert, Brennan, Sperrazza and Perno. Clerk Brouse, CFO Moules and Attorney Higgins were present.

PROCLAMATIONS-Mr. Capelli gave presentation to the Post-Proclamation. Ted-thank you Mayor for putting together 95th anniversary kick-off activities, we will end the year with the gentlemen participating in the holiday parade as grand marshalls-very gratifying.

PUBLIC HEARING on Ordinance 14-05 Amending Chapter 60B, Property Maintenance

Pete Glowacki-301 Poplar Avenue- brush leaf and debris, when will it be picked up?

R14-05 Adopt Ordinance 14-05 Amending Chapter 60B Property Maintenance Ordinance-On a motion of Mrs. Fields and second of Mr. Volkert, Council adopted the following Ordinance.

14-05

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 60B, PROPERTY MAINTENANCE, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 60B, Property Maintenance, in the Code of the Borough of Merchantville, is amended as follows:

ARTICLE II. ARTICLE I. SECTION 60B-7. Alternate service of notice.

In the event that personal service cannot be made, or in the event that service by certified mail is not accepted, service shall be accomplished by posting said notice in a conspicuous place on the premises, or by electronic mail to an e-mail address provided by the property owner, operator or occupant, with a "Read Receipt Request" provided.

ARTICLE III. ARTICLE III. SECTION 60B-17. Definitions.

The following definition is added in the Code of the Borough of Merchantville. All other definitions contained in Section 60B-17 of this Article are retained in their entirety:

OPERATOR: Any person, persons or entity who is not the owner, who has charge, care and control of a premises or part thereof, with or without the knowledge, consent or authority of the owner. Operator shall also include a creditor, as defined in P.L.2014, c.5, that has served a notice of intention to foreclose on a mortgage on a residential property pursuant to P.L.1960B, c.244, and that property has become vacant after the filing of this intention to foreclose.

ARTICLE IV. ARTICLE III. SECTION 60B-18. Registration requirements.

Effective September 1, 2013, the owner and/or operator of any vacant property, as defined herein, shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough of Merchantville for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failure to register the property.

A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.

B. The registration statement shall include the name, street address, telephone number and e-mail address (if applicable) of a person 21 years or older, designated by the owner and/or operator or owner and/or operators as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owners and/or operators in connection with the enforcement

of any applicable code, and the name, street address, telephone number and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

C. The registration shall remain valid for one year from the date of registration, except for the initial registration time, which shall be prorated through December 31. The owner and/or operator shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 60B-21 of this article, for each vacant property registered.

D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

E. The owner and/or operator shall notify the Borough Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.

F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owners and/or operators of the building.

ARTICLE V. ARTICLE III. SECTION 60B-19. Access to vacant properties.

The owner and/or operator of any vacant property registered under this article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner and/or operator or the designated agent. Such inspections shall be carried out on weekdays during the hours of 8:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and/or operator and the Borough.

ARTICLE VI. ARTICLE III. SECTION 60B-22. Requirements of owners and/or operators of vacant properties.

The owner and/or operator of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within 30 days thereof:

A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code or as set forth in the rules and regulations supplementing those codes; and

B. Post a sign affixed to the building indicating the name, address and telephone number of the owner and/or operator, the owner and/or operator's authorized agent for the purpose of service of process (if designated pursuant to § 60B-20 of this article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner and/or operator holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight inches by 10 inches; and

C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete;

D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter and grass and weed growth; and

E. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or is demolished or until repaired and/or rehabilitation of the building is complete.

F. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the operator's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the operator or any other third party, and the property is found to be a nuisance and/or in violation of any of the provisions of this Article, the Code Enforcement Officer shall notify the operator, which shall have the responsibility to abate the nuisance and/or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or this Article. The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation, and shall provide a period of not less than 30 days from the operator's receipt of the notice for the operator to remedy the violation. If the operator fails to remedy the violation within that time period, the Borough may impose penalties allowed for such violations pursuant to Section 60B-23 of this Article.

ARTICLE VII. ARTICLE III. SECTION 60B-23. Violations; penalties.

A. Any owner, operator or occupant who or which shall violate any of the provisions of this Article shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-9 of the Code of the Borough of Merchantville, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, but in no event shall the fine be less than \$250.00. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Chapter.

B. For purposes of this Article, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this Article.

ARTICLE VIII.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IX.

This Ordinance shall take effect upon passage and publication according to law.

PUBLIC HEARING on Ordinance 14-06 Amending Chapter 1, General Provisions

NONE

R14-06 Adopt Ordinance 14-06 Amending Chapter 1, General Provisions-On a motion of Mr. Brennan and second of Mr. Sperrazza, Council adopted the following Ordinance.

14-06

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 1, GENERAL PROVISIONS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 1, General Provisions, in the Code of the Borough of Merchantville, is amended as follows:

ARTICLE I. SECTION 1-9. General penalty.

A. Unless a specific penalty is provided by New Jersey statute or is provided elsewhere in this Code or in other ordinances of the Mayor and Council for a particular violation, any person, firm or corporation who or which shall violate any of the provisions of this Code, or any provision of any code or regulation adopted by reference therein or any order promulgated under such provisions, code or regulation, by doing any act prohibited or declared unlawful or a violation thereof or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required thereby without having a valid license or permit therefor as required or who shall fail to do any act required by any such provision or when such provision declares such failure to be unlawful or to be a violation shall, upon conviction thereof, be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made.

B. A separate offense shall be deemed committed on each day during or on which a violation of the Code or of any other ordinance of the borough, punishable by fine or imprisonment, or both, occurs or continues.

C. The imposition of a fine or imprisonment as punishment for a violation of the Code or of any other ordinances of the borough, shall not be deemed to be in lieu of any other provision therein providing for revocation or suspension of any license or permit issued thereunder.

D. The provisions of this section shall be applicable to the violation of any ordinance adopted as an amendment of or addition to the Code of the Borough of Merchantville and in which no other penalty provision is included.

E. In any case where a fine in excess of \$1,250.00 is sought to be imposed for a housing violation or for a zoning violation, any person, firm or corporation who or which shall violate any of the provisions of this Code,

or any provision of any code or regulation adopted by reference therein or any order promulgated under such provisions, shall be provided a thirty-day (30) period in which such person, firm or corporation has an opportunity to cure or abate the condition, and the person, firm or corporation shall have an opportunity for a hearing before the court. After the thirty-day (30) period, the higher fine may be imposed if, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, it is determined that the abatement has not been substantially completed.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

PUBLIC

Pete Glowacki-301 Poplar Avenue- all road work in Borough-How much longer? Police side work? Why?

ENGINEERS REPORT-in file

APPROVAL OF MINUTES-On a motion of Mr. Volkert and second of Mr. Sperrazza, Council approved the Caucus meeting minutes for 5/12/14, 6/9/14 and 7/14/14 and the regular Council meeting minutes for 5/12/14, 6/9/14 and 7/14/14.

CORRESPONDENCE

COUNCIL REPORTS

Mrs. Fields-HPC-no meeting, Code Enforcement join town study regarding abandoned and vacant properties. St. Joe's Carpentry is interested in taking six of our properties. Mr. Watson is getting an additional list to them as well. Jane Alexander has an appointment to view the properties. Yard waste issues continue, maybe we should consider posting lawn yard signs regarding collection days. The Community Center rental numbers are increasing, Parks and Playgrounds completed another successful year. Hoping to have a joint OEM meeting. Signup sheet for OEM at various places this summer at public events, August 5th National Night out was a huge success.

Mr. Volkert-PW-9.14 tons trash, 60 yards of yard waste, slap workers-95 hrs. Street signs replaced in town. No Planning Board meeting.

Mr. Grasso-No Fire report-Court 415,272, 340 added, 354 disposed. Public Events report-Townwide Yard sale September 20th, Safe Halloween parade and Tree lighting December 5th.

Mr. Brennan-Judge hospitalized and doing better, \$89,940 so far this year in police side work for the PSE & G road work on Browning. The police received a resident letter thanking police. JIF issues report is just about completely corrected. Finance rating A+ with S & P has gone up. Bid has come in for Permanent financing, total impact to tax payer approximately \$33.00 per tax payer, thanks for the hard work and fiscal responsibility.

Mr. Sperrazza-Passing two resolutions tonight, Energy Audit and Website. Weight room in Fire Department to follow JIF guidelines. Make sure it is safe and reach back out to JIF.

Mr. Perno-VFW will move to Community Center backroom and remove the pool table. The proposed Montessori School has withdrawn their application. ABR engineering to work at Community Center. Borough Hall and Morrissey Park should also follow. Need to put out to bid Boiler, outline order of repairs.

Clerk's Report- Master Plan is should be reviewed every 10 years
Town wide yard sale
Clean Up Day

OLD BUSINESS

NEW BUSINESS

Resolutions to be read by consent agenda: On a motion of Mr. Brennan and second of Mr. Sperrazza, Council approved the following resolutions by consent agenda:

R14-83 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE A BINGO LICENSE FOR MERCHANTVILLE PTA

WHEREAS, Merchantville School PTA has applied for and received an identification number 299-5-39871 allowing Merchantville School PTA the ability to conduct raffle licenses with proper approval; and

WHEREAS, Merchantville School PTA has properly completed the bingo license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$20.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

WHEREAS, Council person Sperrazza, Director of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Raffle license numbered 14-03MPTA to Merchantville School PTA for the raffle taking place on October 23, 2014.

R14-84 SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF COLLINGSWOOD AND THE BOROUGH OF MERCHANTVILLE FOR THE FOR THE STUDY REGARDING VACANT AND ABANDONED PROPERTIES IN THE BOROUGH OF MERCHANTVILLE

WHEREAS, collectively, more than five hundred (500) abandoned commercial and residential properties are located in the areas of Audubon, Collingswood, Haddonfield, Oaklyn, Haddon, Pennsauken and Merchantville: and

WHEREAS, the Boroughs of Audubon, Collingswood, Haddonfield and Oaklyn and the Townships of Haddon and Pennsauken entered into a shared services agreement to effect cost savings to investigate potential abandoned property options; and

WHEREAS, the Borough of Merchantville desire to also take part in the shared service study; and

WHEREAS, the Borough has provided the requested data that the Borough of Collingswood requested and that the costs associated with the study will not exceed \$1,500.00 for the Borough of Merchantville;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Merchantville enter into this agreement and that the appropriate officials of the Borough of Merchantville have placed their signatures and seal on this 11th day of August, 2014.

R14-85 RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE CLERK TO PREPARE RFP FOR A BOROUGH WEBSITE FOR THE BOROUGH OF MERCHANTVILLE

WHEREAS, the governing body of the Borough of Merchantville desires to update and create a new Borough Website for the town; and

WHEREAS, the Borough is seeking an experienced provider for this process; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Clerk to prepare the RFP documents and advertisement requirements for a Borough Website for the Borough of Merchantville.

R14-86

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE A RAFFLE LICENSE FOR MERCHANTVILLE PTA

WHEREAS, Merchantville School PTA has applied for and received an identification number 299-5-39871 allowing Merchantville School PTA the ability to conduct raffle licenses with proper approval; and

WHEREAS, Merchantville School PTA has properly completed the raffle license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$40.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

WHEREAS, Council person Sperrazza, Director of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Raffle license numbered 14-02MPTA to Merchantville School PTA for the raffle taking place on December 17, 2014.

R14-87

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO DELETE 2014 TAX EXEMPTIONS

WHEREAS, the Merchantville Tax Collector has called to Council's attention Deletions to the 2014 Tax Duplicate and has requested Council to approve the same:

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Merchantville that the following deletions be and are hereby approved:

DELETIONS

Block 15, Lot 2	Morigi, Gilda	206 Browning Rd	Senior
Block 30, Lot 7	Kelly, Gloria	27 Franklin Ave	Senior
Block 37, Lot 11	Migliaccio, Lawrence & Linda	122 Westminster Ave	Senior
Block 43, Lot 22	Hargrove (sold)	319 Plymouth Place	Disabled
Block 43.01, Lot 18	Steer, Michael & Helen	118 Glenwood Ave	Senior
Block 51, Lot 9	Brickley (sold)	14 E Rogers Ave	Senior

R14-88

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2014 in the sum of \$ 25,913.00, which is now available as a revenue from the State Pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$ 25,913.00 is hereby appropriated under the caption Special items of General Revenue; and

BE IT FURTHER RESOLVED that the above is a result of grants of \$ 25,913.00 from:

Municipal Drug Alliance Grant FY 2014-15	8,213.00
Community Development Block Grant – Year 36	17,700.00
TOTAL	25,913.00

R14-89

RESOLUTION FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO ESTABLISH A COOP WITH MERCHANTVILLE BOARD OF EDUCATION TO CONDUCT THE ENERGY AUDIT FOR PUBLIC BUILDINGS

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of the Borough of Merchantville and the Merchantville Board of Education wish to establish a cooperative means of conducting the Energy Audit and has decided to apply to participate in the Local Government Energy Audit Program together; and,

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as Boards of Education and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, upon acceptance into the Program, the Borough of Merchantville and the Merchantville Board of Education will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Borough of Merchantville and the Merchantville Board of Education understand that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Merchantville wish to establish the cooperative means to conduct the energy audit together with the Merchantville Board of Education;

PAYMENT OF BILLS-On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the payment of the following bills:

R14-90 RESOLUTION

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

CURRENT FUND

REVENUE

BUDGET

CHECKS CURRENT FUND	2013 BUDGET		8,597.57
	2014 BUDGET	4,946.35	77,086.71
	GRANTS		7,797.07
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF		
	EDUCATION*		1,092,694.00
	CAMDEN COUNTY		568,838.93
WIRE TRANSFERS			
PAYROLL	7/25/14-8/11/14		141,386.40
WIRES / MANUAL CHECKS			4,567.62
TOTAL CURRENT		4,946.35	1,900,968.30
SEWER UTILITY			
CHECKS SEWER FUND			
	2014 BUDGET		
	DEBT SERVICE		
WIRE TRANSFERS			
PAYROLL	7/25/14-8/11/14		3,365.28
WIRE NJEIT LOAN			
WIRES / MANUAL CHECKS			
TOTAL SEWER		0.00	3,365.28
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			44,995.27
MANUAL CHECK			
WIRE TRANSFERS			
PAYROLL			
TOTAL CAPITAL		0.00	44,995.27
TRUST FUND			
CHECK TRUST OTHER			
FUND			1,212.99
WIRE TRANSFERS			
PAYROLL	7/25/14-8/11/14		20,784.56
WIRES / MANUAL CHECKS			
TOTAL TRUST		0.00	21,997.55
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			148.00
MANUAL CHECKS			
WIRE TRANSFERS			
PAYROLL			
TOTAL SEWER CAPITAL		0.00	148.00

RECREATION

TOTAL RECREATION		0.00	0.00
ANIMAL TRUST FUND			
ANIMAL TRUST CHECK			3.60
TOTAL ANIMAL TRUST		0.00	3.60
TOTAL BILL LIST & MANUAL CHECKS/WIRE			
		4,946.35	1,971,478.00
		GRAND TOTAL	<u>1,976,424.35</u>

ANNOUNCEMENTS-Congratulations to Mr. Higgins for 606 W. Maple Avenue, won in Court.

ADJOURNMENT: On the motion of Mr. Volkert and second of Mr. Perno, the meeting was adjourned at 9:01 P.M.

Denise Brouse, Borough Clerk